

**STATEMENT CLAIMING SMALL ENTITY STATUS  
- SMALL BUSINESS CONCERN**

Docket Number: MP-00101.P.1.1

Applicant, Patentee, or Identifier: MacroPore  
Application or Patent Number: To be determined  
Filed or Issued: Filed Herewith  
Title: Completely Resorbable Connective Tissue Distraction Devices and Techniques

I hereby state that I am

- ☒ a representative of the small business concern identified below:  
☐ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: MacroPore  
ADDRESS OF SMALL BUSINESS CONCERN: 6740 Top Gun Street  
San Diego, California 92121

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that the rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d), or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 C.F.R. 1.27)

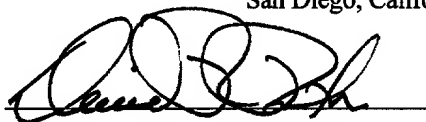
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

NAME OF PERSON SIGNING: David R. Preston

TITLE OF PERSON IF OTHER THAN OWNER: Representative

ADDRESS OF PERSON SIGNING: 11404 Sorrento Valley Road, Suite 104  
San Diego, California 92121

SIGNATURE:



DATE:

12/5/00

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)</b>	Attorney Docket Number:	MP-00101.P.1.1
	First Named Inventor:	Cohen
	<b>COMPLETE IF KNOWN</b>	
	Application Number:	To be determined
	Filing Date:	Herewith
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing, OR	Group Art Unit:	To be determined
<input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e) required)	Examiner:	To be determined

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Completely Resorbable Connective Tissue Distraction Devices and Techniques

the specification of which

☒ is attached hereto

OR

☐ was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above- identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached?	
				YES	NO

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date	[ ] Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto
60/170,011	December 9, 1999	

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application

U.S. Parent Application or PCT Parent Number	Parent Filing Date	Parent Patent Number (if applicable)

[ ] Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

[ ] Customer Number \_\_\_\_\_ [ ]

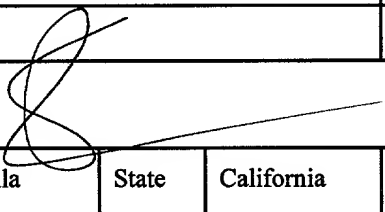
OR

[X] Registered practitioner(s) name/registration number listed below:

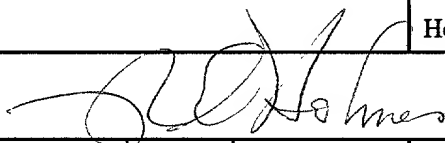
Name	Registration Number	Name	Registration Number
David R. Preston	38,710	Liz Orr	45,937


[ ] Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

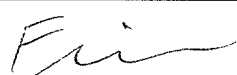
Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number <u>24232</u> or Bar Code Label [Attached Bar Code Label] OR <input type="checkbox"/> Correspondence address below:					
Name	David R. Preston & Associates				
Address	David R. Preston				
Address	11404 Sorrento Valley Road, Suite 104				
City	San Diego	State	California	Zip Code	92121
Country	USA	Telephone	858.450.1388	Facsimile	858.450.2188

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.							
NAME OF SOLE OR FIRST INVENTOR				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle, if any)				Family Name or Surname			
Steven R.				Cohen			
Inventor's Signature						Date	12/5/00
Residence: City	La Jolla	State	California	Country	USA	Citizenship	USA
Post Office Address	1251 <sup>OLIVET</sup> Olivette Street La Jolla, California 92009						
<input checked="" type="checkbox"/> Additional inventors are being named on the <u>1</u> supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.							

<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S) SUPPLEMENTAL SHEET PAGE <u>1</u> OF <u>1</u></b>
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<b>NAME OF ADDITIONAL INVENTOR</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle, if any)				Family Name or Surname			
Ralph E.				Holmes			
Inventor's Signature						Date	12/05/00
Residence: City	San Diego	State	California	Country	USA	Citizenship	USA
Post Office Address	1761 Thomas Avenue San Diego, California 92109						

<b>NAME OF ADDITIONAL INVENTOR</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle, if any)				Family Name or Surname			
J. Peter				Amis			
Inventor's Signature						Date	2/7/02
Residence: City	Carlsbad	State	California	Country	USA	Citizenship	USA
Post Office Address	7303 B. Alicante Road Carlsbad, California 92009						

<b>NAME OF ADDITIONAL INVENTOR</b>				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle, if any)				Family Name or Surname			
Horst R.				Fichtner			
Inventor's Signature						Date	12-7-00
Residence: City	Carlsbad	State	California	Country	USA	Citizenship	Germany
Post Office Address	6821 Camino de Amigos Carlsbad, California 92009						